

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress ¹**

[Date approved: May 24, 2010]²

Bill No. and sponsor: S. 2640 (Mr. Jeff Sessions of Alabama).

Proponent name,³ location: Outdoor Industry Association, Boulder, CO.

Other bills on product (111th Congress only): H.R. 3938.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Sleeping bag carrying cases, presented without sleeping bags, such cases each having a body of nonwoven polypropylene and a top of nonwoven polyester, with a zipper running completely around the perimeter to attach the top to the body, 77.5 cm or more but not over 106.7 cm in circumference, valued not over \$1 each (provided for in subheading 6307.90.98).

Check one: ☐ Same as that in bill as introduced.
☒ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

According to the proponent, the subject products are imported for the purpose of completing a retail package for specific sleeping bags that are produced in the United States. The carrying cases are “stuffed” with a completed sleeping bag in the United States to facilitate the transport, retail packaging, and consumer storage of the sleeping bag. The subject product is primarily imported from China.

¹ Industry analyst preparing report: Don Sussman (202-205-3331); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent identified four additional beneficiaries of this bill. USITC staff sent inquiries to the additional beneficiaries and received one response, which did not indicate whether the firm would benefit from this bill.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 6307.90.98:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	7%	7%	7%	7%	7%
Estimated value <i>dutiable</i> imports ^a	\$770,000	\$800,000	\$830,000	\$865,000	\$900,000
Customs revenue loss ^b	\$53,900	\$56,000	\$58,100	\$60,550	\$63,000

a/ Dutiable import estimates were provided by industry sources.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Outdoor Industry Association (Proponent) Alex Boian, 303-327-3509	03/10/2010	No	No	No
American Recreation Products Geoff O'Keefe, okeefewoodworks@gmail.com	03/16/2010	No	No	No
Big Agnes Len Zanni, len@bigagnes.com	03/16/2010	No	No	No
Cascade Designs Pete Haggerty, pete.haggerty@cascadedesigns.com	03/16/2010	No	No	No
Down Works Nick Gravem, 831-423-9078	03/16/2010	No	No	No
Equinox Robert Cross, rcross@equinoxltd.com	03/16/2010	No	No	No
Exxel Outdoors Armen Kouleyan, armen@exxel.com	03/16/2010	No	No	No
Feathered Friends Peter Hickner, peter@featheredfriends.com	03/16/2010	No	No	No
Nunatak Gear, LLC Tom Halpin, tom@nunatakusa.com	03/16/2010	No	Yes	Yes
Stephenson's Warmlite Jane Fortin, 603-293-8526	03/16/2010	No	No	No
Travel Goods Association Nate Herman, 703-797-9062	03/12/2010	No	No	No
Western Mountaineering Gary Schaezlein, garys@westernmountaineering.com	03/16/2010	No	No	No
Wiggy's Jerry Wigutow, wiggys@wiggys.com	03/16/2010	No	No	No

Technical comments:⁴

It is suggested that the article description of the proposed heading be amended as shown on page 1, to conform more closely with normal HTS usage. We note that at least one Customs ruling⁵ has indicated that a separately imported sleeping bag carrying and storage case would be classifiable in heading 4202, which covers almost all separate importations of containers or cases for carrying goods. Because the features and constituent materials of each article differ, we defer to Customs concerning the appropriate classification for the products of interest to the proponent.

⁴ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

⁵ HQ 963575, Oct. 12, 1999.

-----Original Message-----

From: Tom Halpin @ NUNATAK [mailto:tom@nunatakusa.com]

Sent: Wednesday, March 17, 2010 3:27 PM

To: Sussman, Donald

Subject: RE: Legislation in the form of S-2640

Dear Sir,

This tariff should remain in place to encourage domestic manufacturing.

We are forced to pay a tariff on imported fabric components used in the domestic construction of our sleeping equipment. No domestic suppliers remain, making state-side manufacturing extra costly.

The U.S. does not need to be encouraged to consume more foreign produced goods.

sincerely,

Tom Halpin

Nunatak Gear LLC
160 T/W Eastside Rd
Twisp Washington 98856

Tom Halpin : tom@nunatakusa.com

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Visit our site @ <http://www.nunatakusa.com>

111TH CONGRESS
1ST SESSION

S. 2640

To suspend temporarily the duty on certain nonwoven polypropylene zippered sleeping bag carry cases, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2009

Mr. SESSIONS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on certain nonwoven polypropylene zippered sleeping bag carry cases, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CERTAIN NONWOVEN POLYPROPYLENE SLEEP-**
4 **ING BAG CARRY CASES.**

5 (a) IN GENERAL.—Subchapter II of chapter 99 of
6 the Harmonized Tariff Schedule of the United States is
7 amended by inserting in numerical sequence the following
8 new heading:

“	9902.01.00	Sleeping bag carry cases imported separately from sleeping bags, with a body of nonwoven polypropylene and a top of nonwoven polyester, and with a zipper running completely around the perimeter sealing the top to the body, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference, valued not over \$1 (provided for in subheading 6307.90.98)	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) **EFFECTIVE DATE.**—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of the enactment of this Act.

